

# EXAMINING ASGHAR ALI ENGINEER'S QUR'ANIC INTERPRETATION OF WOMEN IN ISLAM

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## Abstract

*This article discusses Asghar Ali Engineer's interpretation of women in Islam. Two topics discussed in this article are the status of women in Islam and the veil. Engineer offers an approach in understanding the Qur'an to deal with these topics and his method is based on three principles: firstly, the Qur'an has two ingredients: normative and contextual. Normative ingredient refers to the fundamental values and principles of Qur'an such as equality and justice, and these principles are eternal and can be applied in various social contexts. Contextual revelations, on the other hand, deal with verses that were tailored to socio-historical problems of the time. In line with the changes in context and time these verses can be abrogated. Secondly, the interpretation of the Qur'anic verses is very dependent on one's own perceptions, world-view, experiences and the socio-cultural background in which he/she lives. Thus, a 'pure' interpretation of the Scripture is not possible; it is always influenced by sociological circumstances, no one can be free of such influences. Thirdly, the meaning of the Qur'anic verses unfolds with time, therefore, the interpretations of classical scholars can be radically different from the interpretation of modern scholars. This is because Qur'anic verses often use symbolic or metaphorical language that is ambiguous in meaning. This ambiguity serves, of course, to promote flexibility and creative change. These three principles can be employed to understand the status of women in Islam and the veil.*

**Keyword:** women, veil, scripture, interpretation, metaphor

## A. Introduction

Asghar Ali Engineer is one of Muslim thinkers who fight for gender equity in Islam, as women are counted among the weaker segments of society. His commitment toward the protection of women not only can be seen from his interpretation of the Qur'an that favors women dignity, but also can be seen in his response to the Shah Bano case that took place in India in 1985. The case was about the decision of the Supreme Court to uphold Muslim Personal High Court's decision to oblige Mohammad Ahmed Khan to give maintenance to Shah Bano, whom he had divorced. This decision was based on the Cr. P.C. 125, which makes obligatory to husbands to give maintenance to the divorced wives if they have no means of sustenance until they remarry or die. This decision was taken after consulting to the Muslim Personal Law and the text of the Holy Qur'an. However, the Muslim Personal Law Board (MPLB) objected to the Supreme Court judgment and viewed it as a kind of intervention to MPLB. According to MPLB, the Supreme Court had no right to interpret the Qur'an. The decision of Supreme Court met a strong reaction, not only from MPLB, but also from Muslim leaders. They launched agitation against the judgment and demanded Cr. P.C. 125 not to be applied to Muslims. According to Engineer, during this agitation by Muslim leaders, the Islamic *shari'at* became divine and immutable. These Muslim leaders propagated that in Islam divorced wives only had the right to have maintenance for the period of *'iddat* (a three-month waiting period before she can marry), and some of them considered it to be a 'sin' to give beyond this period. These conservative Muslim leaders called for Muslims to fight against the Supreme Court. As a result, thousands of Muslim men and women joined the protest against the Supreme Court, which made the Rajiv Gandhi government undo the Supreme Court judgment by introducing a bill in Parliament to exempt Muslims purview of section 125 of the Cr. P.C.

Engineer sharply criticized the conservative Muslims leaders who propagated against the Supreme Court. In his view, it is far from just that the divorced wife has to be looked after by her parents or relatives after period of *'iddat*, as claimed by fundamentalists as an Islamic law. Engineer argues that the Qur'an does not mention implicitly or explicitly

that the divorced wife had to be looked after by her parents or relatives after the period of *'iddat*, and thus, it is the obligation of husbands to look after them. Therefore, Engineer challenged "The Women Bill" passed by the Lok Sabha on 5 May 1986 and viewed it as against justice and took away the rights of the divorced wives, as stated by the Qur'an.<sup>1</sup>

This article analyzes Engineer's thought on women in Islam and examines his methodological approach to the Holy Scripture and its relevance to his understanding of the status of women in Islam and the veil. Engineer interprets the Qur'anic verses in a manner which is compatible with women's dignity. His interpretation of the Qur'an not only deals with its literal meaning, but also pays close heed to the socio-historical context in which the verses were revealed.

## B. The Methodology of Understanding the Qur'an

The Qur'an, according to Engineer, was the first scripture that gives women their dignity as human beings at a time when they were denied by major civilizations like the Byzantine and the Sassanid. This scripture gives many rights to women in marriage, divorce, property and inheritance.<sup>2</sup> At a later date, however, some Islamic jurists (*fuqahā'*) restricted and limited these rights, rendering women subordinate to men in practice.<sup>3</sup>

Engineer highlights three important notes in regard to the Qur'an and its relationship to women:

Firstly, the Qur'an has two ingredients: normative and contextual.<sup>4</sup> The distinction between normative and contextual is important for Engineer's understanding of the scripture. What he means by normative refers to the fundamental values and principles of the Qur'an such as equality and justice, and these principles are eternal and can be applied in various social contexts. Contextual revelations,

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<sup>1</sup> Asghar Ali Engineer, "Introduction," in *The Shah Bano Controversy* (Hyderabad: Orient Longman Limited, 1987), pp. 1-19.

<sup>2</sup> Engineer, *The Rights of Women in Islam* (Lahore: Vanguard Books (PVT) LTD, 1992), pp. 12-13.

<sup>3</sup> *Ibid.*, p. 13.

<sup>4</sup> *Ibid.*, p. 42.

on the other hand, deal with verses that were tailored to socio-historical problems of the time. In line with the changes in context and time, Engineer maintains, these verses can be abrogated.<sup>5</sup> In Engineer's view, the normative feature is more akin to the divine, while the contextual is more akin to the human.<sup>6</sup> Seen from the normative perspective, the Qur'an favors equality between men and women<sup>7</sup>; it advocates gender equity. However, seen from the contextual perspective, the Qur'an frequently favors men a slight degree over women.<sup>8</sup> The purpose of the distinction between normative and contextual is to highlight the difference between what is desired by Allah and that which is shaped by empirical reality of society. Both are properties of the Qur'an, a text which is not only concerned with the ideal society as it "ought" to be, but also takes into account the empirical reality, or what "is". The dialectic between "ought" and "is" makes the scripture acceptable to people in the particular social context in which the verses were revealed, and also allows them to serve as blueprints for universal norms and principles that can be applied in the future conducive social reality.<sup>9</sup>

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<sup>5</sup> An example of this kind of abrogation is the case of slavery. In responding to this practice, which was common in Arabian society before Islam, the Qur'an does not abolish it immediately, because this was impossible. The Qur'an attempts to abolish it gradually, but until the end of revelation such custom still existed and was written in scripture. In line with change, today slavery is not permitted because it is against, not only universal values of the Scripture, but also against human rights. Asghar Ali Engineer, *Justice, Women and Communal Harmony in Islam* (New Delhi: Indian Council of Social Science Research, 1989), p. viii.

<sup>6</sup> Asghar Ali Engineer, *The Qur'an, Women and Modern Society* (New Delhi: Sterling Publishers Private Limited, 1999), p. 52.

<sup>7</sup> See, for instance, the Qur'an, chapter 33:35. The translation of this verse is as follows: "Men and women who have submitted, believed, obeyed, are truthful, steadfast, reverent, giving in charity, fasting, guarding their private parts and remembering Allah often, Allah has prepared for them forgiveness and a great reward."

<sup>8</sup> See, for instance, the Qur'an, chapter 4:34. The translation of this verse is as follows: "Men are in charge of women because Allah has made some of them excel the others, and because they spend some of their wealth. Hence righteous women are obedient, guarding the unseen which Allah has guarded. And those of them that you fear might rebel, admonish them and abandon them in the bed and beat them Should they obey you, do not seek a way of harming them; for Allah is Sublime and Great!"

<sup>9</sup> Engineer, *The Rights of Women in Islam*, pp. 10-11.

The distinction between these two characteristics can, according to Engineer, help in promoting women's rights today. Engineer calls this approach "pragmatic-ideological course."<sup>10</sup>

Secondly, the interpretation of the Qur'anic verses is very dependent on one's own perceptions, world-view, experiences and the socio-cultural background in which he/she lives.<sup>11</sup> To use Engineer's words, "interpretation of empirical facts or the text of a scripture always depends on one's *a priori* position. Everyone has some kind of *Weltanschauung*."<sup>12</sup> Thus, a 'pure' interpretation of the Scripture is not possible; it is always influenced by sociological circumstances, no one can be free of such influences. It is no wonder then that one verse can inspire a plethora of interpretations, especially as people of different socio-historical backgrounds approach the text.

Thirdly, "the meaning of the Qur'anic verses unfolds with time,"<sup>13</sup> therefore, the interpretations of classical scholars can be radically different from the interpretation of modern scholars. This is because Qur'anic verses often use symbolic or metaphorical language that is ambiguous in meaning. This ambiguity serves, of course, to promote flexibility and creative change. Engineer calls for interpreting the symbolic language of the Qur'an in the light of our own historical circumstances and experiences."<sup>14</sup>

The three points mentioned must be taken into account when studying the Qur'an. Interpreters of the Qur'an, Engineer insists, must take more note of normative verses, rather than contextual ones, as they contain values or principles which amount to the basic postulates of the Qur'an. Context-specific verses must be strictly interpreted in light of the socio-historical context in which they were revealed and in view of the status of women in that society. Such sociological considerations are important if we are to understand the scripture or to fathom its hidden meaning. Without following this methodology, Engineer maintains, one cannot draw a proper conclusion.

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<sup>10</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 87.

<sup>11</sup> Engineer, *The Rights of Women in Islam*, p. 42.

<sup>12</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 10.

<sup>13</sup> Engineer, *The Rights of Women in Islam*, p. 42.

<sup>14</sup> *Ibid.*, p. 42.

Most Qur'anic commentators would agree with Engineer, emphasizing the context of the revelation. Fatima Mernissi, a contemporary Muslim feminist, for instance, also argues that analyzing the Qur'anic verses in light of the causes of revelations (*asbāb al-nuẓūl*) is a must. She quotes Jalal al-Din al-Suyūti (d. 1505), "it is impossible to understand a verse without knowing the *qisṣa* (the story) and the causes that led to its revelation."<sup>15</sup> According to Mernissi, there are many causes of revelation given for the same verse, making it necessary to synthesize and integrate them through in chronological order. In her view, none of Qur'anic commentators, even Tabari, a respected traditionalist commentator, and al-Suyuti, have accomplished such a synthesis. Without such synthesis, Mernissi maintains, "we today cannot understand all the complexities of the event."<sup>16</sup>

In comparison with Fazlur Rahman and Amina Wadud-Muhsin, Engineer's methodology is simpler. Rahman proposed a methodology of understanding the Qur'an which was well known as "double movement": "from the present situation to Qur'anic times, then back to the present."<sup>17</sup> Meanwhile, Amina Wadud-Muhsin proposed a method to understand the verses by analyzing them through :"(1) its context; (2) in the context of discussions on similar topics in the Qur'an; (3) in the light of similar language and syntactical structures used elsewhere in the Qur'an; (4) in the light of overriding Qur'anic principles; and (5) within the context of the Qur'anic *Weltanschauung*."<sup>18</sup> Although Engineer's methodology is simpler than the others, his categorical distinction between normative and contextual verses of the Qur'an is important in understanding the Scripture. Through this distinction, one can differentiate between fundamental values that

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<sup>15</sup> Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, translated by Mary Jo Lakeland (Massachusetts: Addison-Wesley Publishing Company, Inc., 1991), p. 93. She quoted from al-Suyūṭī, *Laḥab al-Nuẓūl fī Asbāb al-Nuẓūl*, 4<sup>th</sup> edition (Beirut: Dar Ihya' al-'ilm, 1984), p. 13.

<sup>16</sup> *Ibid.*, p. 93.

<sup>17</sup> Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: The University of Chicago Press, 1982), pp. 5-7.

<sup>18</sup> Amina Wadud-Muhsin, *Qur'an and Women* (Kuala Lumpur: Penerbit Fajar Bakti SDN, 1992), p. 5.

become the spirit of the Qur'an and contextual values that are bonded with a particular context. Overall, Engineer, Rahman and Wadud-Muhsin agree on interpreting the Qur'an by taking its whole worldview into consideration.

### C. Methodological Application

#### 1. *The Status of Women in Islam*

Using the above methodology, Engineer argues that the Qur'an gives equal status to men and women because both are created from one living entity. He quotes two Qur'anic verses:

"O people, fear your Lord who created you from a single soul, and from it He created its mate, and from both He scattered abroad many men and women; and fear Allah in whose name you appeal to one another, and invoke family relationships. Surely Allah is a watcher over you."<sup>19</sup>

"And surely We have honored the children of Adam.. ."<sup>20</sup>

These verses, Engineer maintains, show clearly that men and women are created from one *nafs* (living entity) or a single being which meant there is no superiority of one gender over the other. There is no doubt that this verse represented a great revolution in an egalitarian thought and that it symbolized the declaration of "the unity of human race and the equality of male and female."<sup>21</sup> The doctrine of equality is a basic principle of the Qur'an. Since men and women are created from a single essence, Engineer argues, the view that the Eve was born from the crooked rib of Adam, as usually interpreted from verse 4:1, must be refuted because such interpretation implies the inferiority of women. Thus, there is general thrust in the Qur'an supportive of gender equity. Engineer provides two pieces of evidence in support of his argument. First, the Qur'an honors the whole of humanity, including of course both women and men. Second, its normative verses confirm the principle of the equity of the sexes. Additionally, references to

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<sup>19</sup> Qur'an, 4:1.

<sup>20</sup> *Ibid.*, 17:70.

<sup>21</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 182.

gender distinctions do not necessarily imply gender inequality.<sup>22</sup>

Engineer concedes, however, that the Qur'an contains verses which show unequal position between sexes and are often used to argue the superiority of men over women. The translation of one of these verses is as follows:

“Men are maintainers of women as Allah has made some to excel others and as they spend out of their wealth (on women). So, the good women are obedient, guarding the unseen as Allah has guarded. And (as to) those on whose part you fear desertion, admonish them, and leave them alone in the bad and chastise them. So, if they obey you, seek not away against them. Surely, Allah is ever Exalted, Great.”<sup>23</sup>

In Engineer's view, such verse should be seen as contextual statement, not as normative ones. Following his chosen methodology, this verse must be analyzed in reference to their proper social context rather than merely as the expression of theological views. There are three key words that are important to be discussed in this verse: (a) *qawwām*, usually translated as “maintainers”; (b) *qānitāt*, usually translated as “obedient”; and (c) *wa-ḍribūhunna* usually as “wife-beating.” Before analyzing these key words, we must shed light on the social context in which this verse was revealed. Engineer adopts a socio-theological view to this verse.<sup>24</sup>

To understand the context of revelation, Engheer quotes Abu al-Qasim Mahmud ibn ‘Umar al-Zamakhsari (d. 1144), a noted commentator of the Qur'an from the Mu'tazila school. According to him, this verse dealt with the case of an Ansar leader, Sa'ad bin Rabi', who slapped his wife Habibah bint Zaid because she disobeyed him. Habibah then complained to her father who took the case to the Prophet. The Prophet advised Habibah to retaliate.<sup>25</sup> However, many men in Medina objected to the Prophet and opposed his advice. The Prophet understood that their opposition was motivated by a social structure which promoted male dominance. Consequently, a verse was

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<sup>22</sup> Engineer, *The Rights of Women in Islam*, p. 44.

<sup>23</sup> Qur'an, 4:34.

<sup>24</sup> Engineer, *The Rights of Women in Islam*, p. 46.

<sup>25</sup> *Ibid.*, p. 47. He quotes from Zamakhshari, *al-Kashshāf 'an Ḥaqā'iq al-Tanzīl* (Beirut, 1977), Vol. 1, p. 254.



revealed to limit the scope for violence which men could perpetrate against women.<sup>26</sup>

The first key word, *qawwām*, Engineer argues, was often used to designate the superiority of men over women. However, he maintains, the superiority given to men over women does not imply the weakness of the female sex, but rather designates men as providers or earner of wealth. Men acquire a superior function since they spend of their wealth on women. Thus, the superiority of men is derived from their social function, not their sexual excellence. Feminists today, says Engineer, have challenged this view, arguing that women's domestic work must also be counted as economic productivity. It is unjust not to place a monetary value on domestic duty, as women's work inside the house complements men's work outside the house. Moreover, Engineer points out, one must demand full recognition of whatever he/she does, as the Qur'an states, "a person gets what he/she strives for."<sup>27</sup>

One must ask why, however, the Qur'an refers to this slight superiority of men over women on the basis of earnings? Once again, Engineer maintains that it must be seen in its proper context. When this verse was revealed, feminist consciousness was very low and domestic work was considered the duty of women. Little wonder then that men felt superior to women in this capacity. This verse is, therefore, a reflection of the social conditions of the time. Engineer confirms that men were *qawwām* (maintainers) in that context, but the Qur'an does not say they must remain *qawwām*. As such, this word is a contextual statement, not a normative one. Had the Qur'an conceded

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<sup>26</sup> *Ibid.*, p. 25. In respect to the relationship between men and women, Seyyed Hossein Nasr, an Iranian contemporary Muslim thinker, argues that such a relationship must be seen as more complementary and co-operative rather than competitive and hierarchical because both exist interdependently. See, Seyyed Hossein Nasr, *Islamic Life and Thought* (Albany State University of New York Press, 1981), p. 212. Moreover, according to Iwai, there is no verse in the Qur'an which allows a husband to dominate his wife (chapter 2:183, 30:20, 42:9). To him, these verses clearly indicate that husband and wife exist interdependently. Thus, the relation between husband and wife is not a superior or subordinate position, but equal position. See, Hideko Iwai, *Islamic Society and Women in Islam* (Japan: The Institute of Middle Eastern Studies, International University of Iapaa, 1985). Working Papers Series, No. 5, pp. 34-35.

<sup>27</sup> Qur'an, 53:39.

that men should be *qawwām*, it would constitute a normative statement and consequently, would bind all women for all time and place. In fact, “Allah did not will it in that way,” says Engineer.<sup>28</sup>

Unlike Lamyā al-Faruqī who contends that a social structure in which men are in charge as maintainers (*qawwām*) is a Qur’anic ideal society,<sup>29</sup> Engineer does not find the Qur’anic verse to glorify the social structure in which it was revealed. For this reason, the verse must be counted as contextual, not normative. When the social structure is changed and reformed such that women become maintainers, or co-partners with men, they can be superior or equal to men and can play a dominant or equal role in the family.<sup>30</sup>

The second key word in chapter 4:34 is *qānitāt*. According to Engineer, classical and modern commentators have interpreted this word differently. Classical theologians like Zamakhshari translated this word as “obedience to husband.”<sup>31</sup> Another classical theologian, Fakhr al-Dīn al-Rāzī (d.1209), insisted that this word implies two meaning “obedience to God” and “obedience to husband.”<sup>32</sup> Meanwhile, modern commentators have different translations. Ahmed Ali, for instance, translates the word *qānitāt* as “obedient to God.” He further explains that “the Arabic word *qānitāt* means devoted or obedient to God, and does not lend itself to any other meaning.”<sup>33</sup> Similarly, Parvez, a commentator on the Qur’an from Pakistan, maintains that the word *qānitāt* does not imply a woman’s obedience to her husband, as the relation between husband and wife is of an equal partnership, not superior or subordinated.<sup>34</sup> A contemporary Muslim feminist, Amina

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<sup>28</sup> Engineer, *The Rights of Women in Islam*, p. 46.

<sup>29</sup> Lamyā al-Faruqī, *Women, Muslim Society and Islam* (Indiana: American Trust Publication, 1994), p. 35.

<sup>30</sup> Engineer, *Justice, Women and Communal Harmony in Islam*, p. 25.

<sup>31</sup> Engineer, *The Rights of Women in Islam*, p. 49. He quotes from Zamakhshari, *al-Kashshaf*, p. 524.

<sup>32</sup> *Ibid.*, p. 49. He quotes from Fakhr al-Dīn b. ‘Umar al-Rāzī, *al-Tafsīr al-Kabīr* (Beirut: Dār al-Fikr, 1978), Vol. V, p. 91.

<sup>33</sup> *Ibid.*, p. 49. He quotes from Ahmed Ali, *Al-Qur’an—A Contemporary Translation* (New Delhi: Oxford University Press, 1987), p. 78.

<sup>34</sup> *Ibid.*, p. 50. He quotes from Parvez, *Matalib al-Furqan* (Lahore, 1979), Vol. III, p. 364.

Wadud-Muhsin, forwards another explanation for the word *qānitāt*. According to her, the word is often incorrectly translated as “obedient to husband,” when in fact the word is used to describe “good women.” Throughout the Qur'an, she argues, the word *qānitāt* refers to both males (2:238, 3:17, 33:35) and females (4:34, 33:34, 66:5, 66:12) and describes “a characteristic or personality trait of believers towards Allah” and implies “being co-operative to one another and subservient before God.”<sup>35</sup>

The third key word in the verse 4:34 is *wa-dhribūhunna*. According to Engineer, there is also a different translation among classical and modern commentators for this word. Ahmed Ali, a liberal commentator of the Qur'an, translates it as “and go to bed with them (when they are willing).” His translation, according to Engineer, makes use of the Raghīb's *al-Mufradāt fī Gharīb al-Qur'an* to argue that *ḍaraba* metaphorically means “to have intercourse.” This metaphor is looked like the expression of *darab al-fahl an-naqah*, which means “the stud camel covered the she-camel.” With this translation, Ali argues that “the Qur'an has never permitted wife-beating”<sup>36</sup> and adopts an interpretative tone which is typical of those who struggle to uphold gender equity. This view is strengthened by the Prophet's authentic *hadith* found in the number of authorities, including Bukhari and Muslim: “Could any of you beat your wife as he would a slave, and then lie with her in the evening?” There are other traditions in Abu Da'ud, Nasa'i, Ibn Majah, Ahmad bin Hambal and others, to the effect that he forbade the beating of any women, saying: “Never beat God's handmaidens.”<sup>37</sup> This view is different from that of other Muslim scholars like Zamakhshari and al-Razi who translate *wa-dhribūhunna* as “and beat them,” but should not cause injury.

As mentioned above, this verse was revealed in response to the wife-beating custom of Arabia. The story of Habiba given above leads Engineer to ask: Why did the Prophet suggest that she retaliate while Allah's revelation willed otherwise? To answer this question, one has

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<sup>35</sup> Wadud-Muhsin, *Qur'an and Women*, p. 74.

<sup>36</sup> Ahmed Ali, *Al-Qur'an*, pp. 78-79.

<sup>37</sup> Engineer, *The Rights of Women in Islam*, p. 49.

to understand that wife-beating was a common custom in the Prophet's time due to the male dominated social structure. In such a social context, it was impossible to abolish the custom of wife-beating all at once. In other words, it needed to be eliminated gradually. Thus, in Engineer's view, this verse was revealed "not to encourage beating of wives, but to discourage it and gradually abolish it."<sup>38</sup> After discussing the key words above, Engineer comes to the conclusion that if we put the verse 4:34 in its proper context, we can see that this verse does not advocate male superiority. The words "maintainers" and "wife-beating" should, as such, be read as contextual statements, not normative and must be reinterpreted in the light of today's context.<sup>39</sup>

Engineer acknowledges that some classical jurists used this verse to argue the superiority of men over women. They neglected to see it in the sociological context in which it was revealed, distorting the spirit of the Qur'an and infusing its interpretation with male biases. This view is strengthened by Barbara Freda Stowasser, a noted commentator on women in Islam. While tracing the development of the exegesis of the verse 4:34, Stowasser provides a good explanation of how interpretation of this verse led to the ever-increasing seclusion of women from all public spheres. Abu Ja'far Muhammad ibn Jarir al-Tabari (d 923), a classical commentator of the Qur'an, interpreted this verse to simply mean that men had authority over women in a family setting and an obligation to provide maintenance. Some three hundred and fifty years later, Abdullah ibn Umar al-Baydawi (d. 1286) interpreted it differently and more restrictedly. He interpreted it to mean that men were in charge of women as rulers in charge of their subjects. This is because men have qualities which women do not have, like complete mental ability, good counsel and complete power in the performance of duties. Men, according to this verse, are superior to women. Baydawi's interpretation, according to Stowasser, was later on not only accepted by a later generation of commentators, but was also hardened by them.<sup>40</sup>

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<sup>38</sup> *Ibid.*, p. 47.

<sup>39</sup> *Ibid.*, p. 52.

<sup>40</sup> Barbara Freyer Stowasser, "The Status of Women in Early Islam," in *Muslim Women*, edited by Freda Hussain (London and Sydney: Croom Helm, 1984), pp. 8-27.

There is another verse which is often used by some conservative jurists to prove the inferiority of women and the superiority of men. The complete translation of this verse is as follows:

“Divorced women should keep away from men for three menstrual periods. And it is not lawful for them to conceal that which Allah has created in their wombs, if they truly believe in Allah and the Last Day. Their husband have the right in the meantime to take them back, should they seek reconciliation; and women have rights equal to what is incumbent upon them according to what is just, although men are one degree above them. Allah is Mighty, Wise.”<sup>41</sup>

The phrase *li'r-rijāli 'alayhinna darajab* (men are a degree above them) was most useful to those who used it to argue the superiority of men without reference to their proper context. In Engineer's view, they ignored the preceding part of the verse “and women have rights equal to what is incumbent upon them according to what is just,” which clearly talks about the equal rights and obligations of women. At glance, these two statements seem to contradict one another, but if they are put in the proper context the contradiction reflects the social reality in which this verse was revealed. Engineer reiterates that the verse was revealed in patriarchal Arabian society, where women did not enjoy complete equality. In this particular case the Qur'an gave women a lower status to men to appease the male-ego. In Engineer's view, this is a kind of Allah's wisdom, as mentioned in the phrase of the verse “Allah is Mighty, Wise.” To see his words, “Though Allah's intention was to accord equal status to women, the social context did not admit of it right away, and in His wisdom, He allowed men slight superiority over women” because “if the Qur'an had not accepted the social reality of a patriarchal society and conceded slight superiority to men, the Prophet would have had to face a very difficult situation.”<sup>42</sup>

Thus, this verse contains of both normative and contextual statements. The normative ingredient is found in the statement “equality of rights,” while the contextual ingredient is found in the

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<sup>41</sup> Qur'an, 2:228.

<sup>42</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 32.

statement “men are a degree above women.” According to Engineer, these two statements belong to the verse for the express purpose of making it relevant both to the context of society in which it was revealed and to the future when the social situation is more conducive. However, he insists that the Qur’an through its Weltanschauung (world-view) and universal teachings upholds an equal status between male and female and refrains from pronouncing gender inequalities in absolutist term.<sup>43</sup>

From the above interpretation, Engineer argues that “the Qur’an greatly improved the status of women” until “they no longer be treated as mere chattels to be traded or subjects of sexual.”<sup>44</sup> To strengthen his argument, Engineer compares the position of women during the pre-Islamic period *jāhiliyya* (ignorance) to the post-Islamic period. Engineer argues that women during the ignorance period had no rights and were treated as mere commodities or property. Their status was very close to that of slaves because they had no liberties. What was worst was the way in which they could be inherited like property. The Qur’an condemns this practice, as mention in the Qur’an, “O believers, it is not lawful for you to inherit the women (of deceased kinsmen) against their will; nor restrain them in order to take away part of what you had given them, unless they commit flagrant adultery. Associate with them kindly, and if you feel aversion towards them, it may well be that you will be averse to something, from which Allah brings out a lot of good.”<sup>45</sup>

Another inhumane custom practiced by the Arabs in pre-Islamic period was that of female infanticide. This harsh custom prevailed for two reasons: first, the fear that a female brought economic burdens on to a family, and secondly, the fear of humiliation brought on to a family by the capture of girls by hostile tribes.<sup>46</sup> This practiced was then prohibited by the Qur’an, as mentioned in chapter 8: 8-9. From this

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<sup>43</sup> Asghar Ali Engineer, “Social Dynamics and Status of Women in Islam,” in *Status of Women in Islam*, edited by Asghar Ali Engineer (New Delhi: Ajanta Publication, 1987), p. 84.

<sup>44</sup> Engineer, *The Qur’an, Women and Modern Society*, p. 31.

<sup>45</sup> Qur’an, 4:19.

<sup>46</sup> Engineer, *The Rights of Women in Islam*, p. 21.

perspective, it is clear to Engineer that the majority of women in pre-Islamic societies lived in a male-dominated culture which accorded them low status and treated them as property. The rights of women at that time were absolutely neglected. In general, the position of women in pre-Islamic Arabia was certainly unfavorable.

## 2. *The Veil (Purdah)*

The veil, another important issue for women in Islam, has become a controversial issue over the past few decades. In English, the word 'veil' is "loosely used to refer to a wide variety of head and face covering."<sup>47</sup> There are three verses in the Qur'an that are usually used to refer to the legitimization for wearing of the veil (*ḥijāb*), and therefore, it is important to throw some lights on these verses. In Engineer's view, these verses must be seen in proper context in order to have a better understanding about the veil. Let us look at these verses one by one.

The first verse is:

"O believers, do not enter the houses of the Prophet, unless you are invited to a meal, without awaiting the hour, but if you are invited, then enter; but when you have eaten, disperse, without lingering for idle talk. That is vexing to the Prophet who might be wary of you, but Allah is not wary of the truth, If you ask them [the wives of the Prophet] for an object, ask them from behind a curtain. That is purer for your hearts and theirs. You should never hurt the Apostle of Allah, nor take his wives in marriage after him. That is truly abominable in the sight of Allah."<sup>48</sup>

Fatima Mernisi, a Muslim feminist, maintains that the word *ḥijāb* in the above verse has three-dimensions which are often mixed together. "The first dimension is a visual one: to hide something from sight. The root of the verb *ḥajaba* means "to hide". The second dimension is spatial: to separate, to mark a border, to establish a threshold. The third dimension is ethical: it belongs to the realm of the forbidden."<sup>49</sup>

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<sup>47</sup> Nadia Hijab, *Women Power: The Arab Debate on Women at Work* (Cambridge: Cambridge University Press, 1988), p. 51.

<sup>48</sup> Qur'an, 33:53.

<sup>49</sup> Fatima Mernisi, *The Veil and the Male Elite*, p. 93.

This verse is dealing with the ethics of how to enter the Prophet's house, and there are many instructions in so doing. The believers were required not to spend more than necessary with the Prophet or his wives, and they were also required not to marry the Prophet's wives after his death. If they wanted to talk to the Prophet's wives they had to do so from behind the curtain. The phrase, "if you ask them for an object, ask them from behind a curtain," is the source of legitimization for wearing the veil, or *ḥijāb*. However, according to Engineer's interpretation, the requirement to speak behind the curtain to the Prophet's wives cannot be applied to other Muslim women. This is because it deals with specific situations and references. Thus, the requirement to talk to the Prophet's wives behind the curtain is not a general category, but a specific one. This view is in opposite to that of Abu al-A'la al-Mawdudi who argues that although the conjunction of this verse is addressed to the Prophet's wives, it also applied to all Muslim females.<sup>50</sup>

Engineer maintains that there is another verse in the Qur'anic text which is often used to legitimate wearing the veil. In fact, in his view, this verse only contains the instruction for women to cover their private parts. The complete translation of this verse:

"And tell believing women to cast down their eyes and guard their private parts and not show their finery, except the outward part of it. And let hem drape their bosoms with their veils and not show their finery except to their husbands, their fathers, their husbands' fathers, their sons, the sons of their sisters, their women, their maid-servants, the men-followers who have no sexual desire, or infants who have no knowledge of women's sexual parts yet. Let hem, also, not stamp their feet, so that what they have concealed of their finery might be known. Repent to Allah, all of you, O believers, that perchance you may prosper."<sup>51</sup>

To understand this verse, Engineer calls for looking at it from its socio-historical context. It must be understood that before the coming of Islam, a transformation of the Arabian society in Mecca from tribal-

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<sup>50</sup> Abu al-A'la al-Mawdudi, *Purdah and the Status of Women in Islam*, translated by al-Ash'ari (Lahore: Islamic Publication, 1972), p. 149.

<sup>51</sup> Qur'an, 24:31.



oriented society to commercial-oriented society was under way. This was due to the fast growth of Mecca as a financial and international centre of trade. There is no doubt that such conditions influenced the lives of women in that society. The women from the upper class dressed in new fashions, which exposed their bodies through their adornments and charms. Such a liberal way in dressing was, of course, against the moral and ethical demands of Islam. However, in Engineer's view, in response to such conditions Islam imposed some restrictions; both men and women were asked to lower the gaze, or to use the Qur'anic term, *ghaḍḍ al-baṣar*. Engineer interprets this word through its metaphoric meaning as "not indulging in sexual encounters outside marital bond."<sup>52</sup>

Mawdudi interpreted this verse as a requirement of Muslim women to wear veil (covering their face) and also gloves, arguing that though the Qur'an does not specify the veil, it is Qur'anic spirit and was practiced by Muslim women in the Prophet's time.<sup>53</sup> In contrast to Mawdudi, Jan Hjarpe argues that what is required from this verse is a proper dress, and it does not imply veiling the face.<sup>54</sup> Engineer's view is similar to that of Hjarpe instead of Mawdudi. He argues that some restrictions toward women are not meant to force women to stay at home or to wear a veil that covers their faces. The main restriction, according to Engineer, is that Muslim women should not display their adornments and sexual charms except to those who they cannot marry. Conversely, they are required to dress in a proper manner. The main intention of this restriction, according to Engineer, is to avoid women becoming sexual objects and to save their dignity as human beings. This moral value is much more important to be taken into account than the restriction of women from going outside the home or compelling them to wear veil.<sup>55</sup>

What is allowed to be exposed, according to this verse, is parts of women's bodies that are naturally open, or to use the Qur'anic terms,

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<sup>52</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 73.

<sup>53</sup> Al-Mawdudi, *Purdah and the Status of Women in Islam*, 198-202.

<sup>54</sup> Jan Hjarpe, "The Attitude of Islamic Fundamentalism Towards the Question of Women in Islam," in *Women in Islamic Societies*, edited by Bo Utas (London and Malmo: Curzon Press Ltd., 1983), p. 20.

<sup>55</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 86-87.

*illā mā ẓahara minhā*. There is no doubt that the word “what appears thereof” is a controversial one due to the fact that the Qur’an does not proscribe limitations as to what extent Muslim women are permitted to show part of their bodies. Therefore, this verse is ambiguous. In Engineer’s view, to determine what parts of the body a woman could expose depends on one’s own socio-cultural context. This is because the interpretation of texts cannot escape from context. Therefore, some classical scholars held different views regarding the word “what appears thereof.”

Tabari, for instance, listed eight different interpretations of the words *illā mā ẓahara minhā*; (a), it refers only to the external clothes of women, and therefore, all the entire body of women, including face and hands, must be covered; (b), women can expose their rings, bracelets, and face; (c), it refers to collyrium and cheeks; (d) it refers to the face and two open palms; (e) *khizāb*, collyrium and clothes; (f), woman must hide her hair, ear rings, neck and bracelets; (g), woman permits to expose her bracelets, necklace, but should hide her anklets, hair and shoulder.<sup>56</sup> According to al-Razi, another scholar often cited by Engineer, a Muslim woman can expose her face and her two hands because these parts of body are necessary for such acts as buying, selling payment and other common tasks. Besides this, the covering of all parts of the body except face and two hands is aimed to differentiate between a free woman and a slave girl.<sup>57</sup> Another scholar quoted by Engineer is Muhammad Asad. Unlike traditional ‘*ulamā*’ who restrict the words “what may be apparent thereof” to women’s face, hands and feet, Asad interprets such words in a wider sense. To him, the vagueness of this phrase meant that it is open to be reinterpreted in line with the change of times and social situations.<sup>58</sup> Meanwhile, according to Maulana Muhammad Ali, women could expose their face

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<sup>56</sup> Al-Ṭabari, *Jāmi’ al-Bayān ‘an Ta’wīl Ay al-Qur’ān*, p. 88. Quoted by Engineer, *The Qur’an, Women and Modern Society*, p. 67.

<sup>57</sup> Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, Vol. XXII (Lebanon: Dār al-Fikr, 1981), quoted by Engineer, *The Qur’an, Women and Modern Society*, p. 68.

<sup>58</sup> Engineer, *The Qur’an, Women and Modern Society*, p. 70.

and hands because when praying, they need not to cover their faces and hands, yet the rest of them must remain covered.<sup>59</sup>

Seen from the above sources, it is clear that there are different interpretations regarding the word "except what appears thereof." Therefore, no one can say that this or that particular interpretation must be accepted in our social context. However, Engineer maintains that almost all classical scholars have a similar opinion concerning the phrase, "except what appears thereof," that it refers to face and hands and thus, keeping these parts of the body uncovered was considered permissible. The Prophet is also reported to allow the face and hands to be uncovered, like reported in a *hadith* saying the Prophet is reported to have told Asma, his wife, 'Aisha's sister, when she appeared before him in thin clothes, through which parts of her body could be seen "O Asma, when a women attains her puberty, it is not proper that any part of her body should be seen except this, and he pointed to his and hands."<sup>60</sup>

Thus, Engineer maintains that according to the tradition, women in Prophet's time kept their faces and hands uncovered for praying and consulting the Prophet when they had problems. What is required by the Qur'an is how women are to protect their dignity as human beings and avoid becoming sexual objects. The form of protection, of course, varied from one place to another. In a very particular situation, wearing the veil is an alternative way to protect women's dignity, but in normal condition, it does not.<sup>61</sup> This view is supported by al-Faruqi who holds that the word "what (must ordinarily) appear thereof" indicates conformity to prevailing customs of a region or a period. There is no indication from this word the necessity of wearing veil or *purdah* which cut women off from social and public affairs, the world that was dominated by men.<sup>62</sup>

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<sup>59</sup> Maulana Muhammad Ali, *The Holy Qur'an*, p. 685, quoted by Engineer, *The Qur'an, Women and Modern Society*, p. 72.

<sup>60</sup> Engineer quotes this *hadith* from Hafiz ibn Kathir, *Tafsir Ibn Kathir*, translated by Maulana Anzar Shah Kashmiri (Deoband: n.d.), Vol. II, section 19, p. 61.

<sup>61</sup> Engineer, *The Rights of Women in Islam*, p. 89.

<sup>62</sup> Al-Faruqi, *Women, Muslim Society and Islam*, p. 9.

Since most Qur'anic commentators agree that face and hands may remain exposed, what about keeping the hair and bosom to be exposed? According to Engineer, in the past keeping the hair uncovered was still considered as sexually inviting and therefore, prohibited. This of course based on a classical context. But, he maintains, that the Qur'an does not state this explicitly. It is therefore, in line with the dynamics of socio-cultural change and based on a specific cultural context, keeping hair uncovered may not be considered as sexually inviting, and thus, is permissible. Meanwhile, keeping the bosom uncovered is universally--at least in non-tribal societies--considered as sexually inviting, and therefore it is prohibited in Islam. The Qur'an states clearly that women should cover their bosom with what is called as *khimār*, "a piece of cloth generally worn by women and slung across their shoulders."<sup>63</sup>

Thus, according to Engineer, one of the intentions of the Qur'an in verse 24:31 is to show how Muslim women can protect themselves and their dignity through wearing dignified dress. The Qur'an requires women to cover their bodies properly and to avoid displaying their sexual charms because it can lead them to become sexual objects. Engineer maintains that if this verse is seen from our social context this kind of interpretation is an appropriate interpretation, and "nothing more should be read into this verse."<sup>64</sup>

Engineer traces the factors leading to covering women's faces and its becoming a tradition in Islamic societies. In his view, the tradition of wearing the veil developed in line with the emergence of feudalism due to the conquest by the Arabs of the feudalized societies of the Byzantine and the Sassanid empires. Thus, the custom of wearing the veil and the seclusion of women in their houses was not originally an Islamic tradition. It was of Persian and Byzantine origin and only then was legitimized by Qur'anic commentators (*mufasssirrūn*) who extrapolated it from the vague and general statements of the Qur'an.

Women in those societies were kept in socially subordinated positions and when the Arabs conquered the Byzantine and Sassanid

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<sup>63</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 74.

<sup>64</sup> Engineer, *The Rights of Women in Islam*, p. 88.

held territories, Muslim women were also subjugated. Although in some places women in pre-Islamic period enjoyed liberty and independence, on the whole their position was less than equal to that of men. In line with the feudalization of Islamic society, the status of women "relapsed into a voiceless and powerless being."<sup>65</sup> Their roles were limited only to that of keeper of the household and bearer of the children. Such a social structure was glorified over the centuries. In this society, veiling women was part of social norms, justified by the Qur'an and the Prophet's tradition. In fact, the Qur'an does not glorify such a social structure. This scripture does not require women to be veiled or stay at home. They are free to participate in social activities and free to take part in whatever they desire. The only limitation, according to Engineer, is women have to dress in a proper manner based on their socio-cultural context so they do not become sexual objects for men.

The last verse in the Qur'an which where Muslim women are asked to wear the veil is chapter 33:59, the complete translation of this verse is as follows:

"O Prophet, tell your wives and daughters and the wives of the believers, to draw their outer garments closer. That is more conducive to their being known, and not being injured. Allah is All-Forgiving, Merciful."

Many '*ulama*' interpret this verse as a requirement for Muslim women to cover their faces. However, Engineer maintains that this verse must be seen in its social context because it was revealed in a particular situation. The context of this verse is about Muslim women in Medina who were often harassed. As part of their daily routine, these women used to go out during the early hours. There were idle youth who would always wait and disturb them. When the harassers caught the Muslim women, they said that they did not know that they were Muslim women or free women, they thought that they were slave girls. To avoid such a thing happening and to differentiate between Muslim women and slave girls, the Qur'an required Muslim women to cover their faces with *jilbāb*. Thus, the main intention of the verse above is to show how Muslim women could be recognized as free

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<sup>65</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 74.

women and thus avoid being disturbed. Seen from this perspective, it is clear that veiling of the face is very conditional and not an obligation for all time. "If the context changes, the reason adduced disappears; it would no longer be binding," says Engineer.<sup>66</sup> To support his view, Engineer quotes Muhammad Asad, "The specific time-bond formulation of the above verse (evident in the reference to the wives and daughters of the Prophet), as well as the deliberate vagueness of the recommendation that women should draw upon themselves some of their garments when in public, makes it clear that this verse was not meant to be an injunction (*hukm*) in general, timeless sense of this term, but rather, a moral guideline to be observed against the ever-changing background of the and social environment. This finding is reinforced by the concluding reference to God's forgiveness and grace."<sup>67</sup>

#### D. Concluding Remark

Engineer's views on women in Islam are based on the principles of equity and justice. His thought on the position of women in Islam is typical of a scholar who advocates gender equity. He substantiates his powerful argument on the equity of genders in Islam by citing frequently from Qur'anic text. To do so, he formulates a methodology for understanding the Qur'an. Engineer's methodology can be simplified as follows. The first step to understand the Qur'an is by analyzing whether a verse is a normative or a contextual statement. This step is important in order to differentiate whether the statement is a principle or a norm that has universal values beyond time and space, or it is contextual statement hat is only valid in particular situations and circumstances. If it is a contextual verse, it should be understood against the backdrop of the social context in which it was revealed. Besides interpreting its social context, it is also important to analyze what was the status of women in the society in which the verse was revealed. Another important thing to do is to examine how classical and modern commentators interpreted such a verse in their respective social and political context.

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<sup>66</sup> Engineer, *The Qur'an, Women and Modern Society*, p. 69.

<sup>67</sup> Engineer, *The Rights of Women in Islam*, p. 89. He quotes from Muhammad Asad, *The Message of the Qur'an* (Gibraltar: Dar al-Andalus, 1980), p. 651.

With the above methodology, Engineer argues that the Qur'an upholds and sides with gender equity. Seen from the historical context of the creation of human beings, it is clear that both men and women are created from the same essence or single entity. There is no doubt that this is a kind of declaration of equity of the human race, including equity of the sexes. Engineer argues that if one follows the above methodology, he/she will find that the superiority of men over women, like mentioned in chapter 4:34 and 22:28, is very conditional and only valid in certain circumstances, not beyond time and space. These verses do not advocate male superiority. Seen from the whole view of Qur'anic *Weltanschauung*, it is clear that this scripture respects gender equity and justice.

Regarding the issue of the veil, Engineer argues that it must be seen in its proper context. The verse 33:59, as the source justifying the wearing of the veil, is a contextual statement. The main reason why the Qur'an required Muslim women to wear the veil was to differentiate them from slave girls and to keep them from being disturbed by harassers. Seen from this perspective, it is clear that wearing the veil is very conditional and not as an obligatory for all time. What is emphasized by the Qur'an, as can be read from the verse 24:31, is that Muslim women should not display their adornments and sexual charms except to those whom they cannot marry. In other words, they are required to dress in proper manner. The main intention of this restriction is to keep women from becoming sexual objects and to save their dignity as human beings.

According to Engineer, to determine what parts of the body a women could expose depends on one's own socio-cultural context. This is because the interpretation of texts cannot be taken out of context. The use of the veil might have been the best solution in certain circumstances in the past, but in normal conditions, it would not be appropriate solution because conditions have changed.

However, while Engineer's methodology emphasizes the distinction between normative and contextual statements, it lacks an explicit explanation of how to differentiate between these two ingredients. In other words, he does not explain how to decide whether this is a normative or a contextual statement and what criteria are

used to decide it?

Furthermore, Engineer also pays a lot of attention to the causes of revelation in order to understand the Qur'an. However, since there are many viewpoints on the causes of revelation of a given verse, Engineer does not offer a specific guideline for how to judge the validity of the causes of revelation. In fact, to use Mernissi's argument, without understanding the complexities of events, we cannot draw a proper conclusion. It is necessary, therefore, to construct a synthesis of the causes of revelation which Engineer does not provide.

A similar criticism can be made on his textual approach. Indeed, this approach is important to show that true Islam promotes justice, liberation, and gender equity. However, it does not give a real solution to the current social problems within Muslim communities. How we should understand the Qur'an? Do we start from text or context? The interpretation of religion would be better if we begin with reality, not from text. To analyze the problem of women's empowerment, for instance, one has to analyze critically the existence of a patriarchal society that has been established over the course of many centuries. To change such social structures, it is not enough only to claim that it is against Islamic teachings with respect to justice and equality. It does not resolve the problem of patriarchal society, its complexities and its impacts on many social aspects, such as culture, education, economy, and politics. Moreover, a textual approach gives the impression of defensiveness. In the normative domain, Islam offers and promotes human values such as justice, equity and liberation. The real problem is in fact, how to actualize these values in real life. Nevertheless, Engineer's ideas on women's status and rights in Islam undoubtedly represent significant contribution to the development of contemporary Islamic thought.



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